IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 26846 of 2006(U)

PETITIONER:

1. THIRUVANANTHAPURAM DISTRICT MOTOR TRANSPORT WORKERS CO-OPERATIVE SOCIETY LTD.T.763, ATTINGAL, ALAMCODU, REPRESENTED BY ITS PRESIDENT, UNNIKRISHNAN NAIR.

2. SECRETARY, THIRUVANANTHAPURAM DISTRICT MOTOR TRANSPORT WORKERS CO-OPERATIVE SOCIETY LTD.NO.T.763,ATTINGAL ALAMCODU.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS:

1. REGIONAL TRANSPORT OFFICER, REGIONAL TRANSPORT OFFICE, ATTINGAL.

2. DEPUTY TAHSILDAR (R.R), CHIRAYINKEEZHU TALUK OFFICE, ATTINGAL.

BY GOVERNMENT PLEADER SRI M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE REPRESENTATION TO THE IST RESPONDENT BY THE 2ND PETITIONER ON 29/7/2006.

EXT.P2 TRUE COPY OF THE REVENUE RECOVERY NOTICE BY THE 2ND RESPONDENT ON 12/7/2006.

EXT.P2A TRUE COPY OF THE NOTICE OF ATTACHMENT OF IMMOVABLE PROPERTY U/S.34 OF R.R.ACT.

EXT.P3 TRUE COPY OF THE NOTICE ISSUED BY THE VILLAGE OFFICER DTD.25/10/2006.

P.R.RAMAN, J.

W.P.(C).NO.26846 OF 2006

Dated this the 11th day of December, 2006

JUDGMENT

On 12/10/2006 this Court passed an interim order wherein it was found that the petitioner cannot successfully maintain the writ petition as against Exts.P2 and P2(a). However, considering the special circumstances namely, the petitioner is a Co-operative Society, an interim direction was issued directing the petitioner to deposit an amount of Rs.25,000/- and the attachment on the movables was lifted. The matter has come up for further consideration. In the light of the relief sought for, the writ petition is disposed of as follows:

Since the petitioner has already paid Rs.25,000/-, there will be a further direction that Exts.P2 and P2(a) proceedings shall be

kept in abeyance for a period of eight months within which period the petitioner shall pay the balance amount of Rs.2,00,000/- in eight equal monthly instalments commencing from 11th January, 2007 and thereafter on the 11th of every succeeding months. In case of default, the entire balance amount become due forthwith and it will be open to the respondents to recover the entire balance amount by initiating the revenue recovery proceedings ordered to be kept in abeyance.

P.R.RAMAN,
JUDGE.

kcv.